

**DALA WEBSITE DECISION INDEX BY SUBJECT,
WITH KEYWORD AND PHRASE DIGEST**

ORGANIZATION

AGRICULTURAL RESOURCES

Animal Shelter, Rescue and Adoption Operations

—Unapproved or Unregistered Operations

Enforcement and Civil Penalties

—Animal Quarantine Violations

Enforcement and Civil Penalties

Pesticide Program

—Herbicide Application—Right of Way Management

Vegetation Management Plan Approval

WIC Farmers' Market Nutrition Program

—Farmers' Market Coupon Program Violations

Enforcement and Civil Penalties

CERTIFIED NURSE AIDE / HOME HEALTH AIDE DISCIPLINE

Abuse

Neglect

Property Misappropriation

EDUCATOR LICENSE REVOCATION

Dismissal of Appeal

EMERGENCY MEDICAL TECHNICIAN CERTIFICATION

Revocation and Suspension of EMT Certification

EXPEDITED PERMITTING - M.G.L. c. 43D

Constructively-Granted Permit

FAMILY CHILD CARE LICENSING

Family Day Care Provider License Denial

—Denial of Original License Application

History of Child Neglect

—Denial of License Renewal

Disqualifying Background of Family Member

Family Day Care Provider License Suspension

MEDICAL MARIJUANA

Medical Marijuana Certification

—Authority to Issue, and Delegation of Authority

Dispensary Agent Registration

—Temporary Revocation

PHYSICIAN DISCIPLINE

Conduct Placing Into Question Competence to Practice Medicine

Conduct Undermining Public Confidence in Integrity of Medical Profession

Failure to Meet Standard of Care

Gross Misconduct in Practice of Medicine

Malpractice

—Order of Default

Misconduct in Practice of Medicine

Practicing Medicine While Ability to Practice is Impaired by Alcohol or Drugs

—Order of Default

Sexual Misconduct

—Insufficient Evidence

Summary Suspension of Physician as Immediate and Serious Threat to Public Health, Safety or Welfare

—Generally

—Insufficient Evidence

PRACTICE AND PROCEDURE

Decision Upon Written Submissions

Directed Decision

—Granted as “Summary Decision” Following Hearing

Physician Discipline Appeals

Retirement Appeals - Accidental Disability Retirement

Retirement Appeals - Group Classification for Retirement Purposes

Discovery

—Document Requests

Motion to Compel Production of Documents

Motion to Serve Record-Keeper Subpoena

—Interrogatories

Generally

Retirement Appeals

Dismissal

—Lack of Jurisdiction Dismissal

Appealability to DALA

Lack of Standing

Mootness

Untimeliness

—Lack of Prosecution Dismissal

Physician Discipline Appeals

Retirement Appeals

Educator License Revocation Appeals

Wage and Hour Laws Appeals

Subpoenas

—To Nonparty Witnesses

Record-Keeper Subpoena

Summary Decision

—Availability and Grounds, Generally

—Family Child Care Provider License Denial Appeals

—Expedited Permit Appeals (M.G.L. c. 43D)

—Retirement Appeals

Accidental Disability Retirement Benefits

—Veterans' Benefits Appeals

—Wage and Hour Laws Appeals

RETIREMENT

Accidental Disability Retirement Benefits

—Generally

—Grounds to be Proved

Causation (Work-Related Injury Most Likely Cause of Claimed Disability)

Disability (Disabling Injury Sustained During Employment)

Permanence (Totality and Permanence of Disabling Injury Sustained During Employment))

—Medical Panel Review

Entitlement to Initial Panel Review

Entitlement to Review by New Medical Panel

—Panel Findings - Affirmative as to Disability, Permanence, Job-Related Causation

Majority Affirmative Panel

Unanimous Affirmative Panel

—Panel Findings - Negative as to Disability, Permanence, Job-Related Causation

Majority Negative Panel

Unanimous Negative Panel

—Procedural Requirements

*Notice of Injury to Retirement Board Within 90 Days
Following Injury or Hazard Undergone*

*Occurrence of Injury or Hazard Undergone More Than Two Years Prior to
Accidental Disability Retirement Application*

—Psychological or Emotional Injury

Generally

Insufficient Proof; Accidental Disability Retirement Benefits Denied

Sufficient Proof; Accidental Disability Retirement Benefits Granted

—Statutory Presumptions

Cancer Presumption

Heart Law Presumption

Beneficiaries of Retirement Contributions

—Benefits

*Limitations, Overpayments, and Discretionary Waiver of Recoupment or
Repayment*

—Designation of Beneficiaries

Former Spouse

Buyback of Previously-Refunded Retirement Contributions

Computation of Retirement Benefits

—Benefits to Former Spouse Under Domestic Relations Order (DRO) or
Qualified Domestic Relations Order (QDRO)

—Regular Compensation - Service or Amounts Included

—Regular Compensation - Service or Amounts Not Included

Creditable Service

—Discovery Related to Creditable Service Purchase Denial Appeal

Document Requests

Interrogatories

Record-keeper Subpoenas

—Interest on Purchase (Buyback) of Creditable Service

—Prior Service Eligible for Creditable Service Purchase

—Prior Service Ineligible for Creditable Service Purchase

Employer Funded by Federal Job-Training Programs

Part-Time Prior Contract Service

Prior Contract Service (M.G.L. c. 32, § 4(1)(s))

Prior Teaching Service in Non-Public School (M.G.L. c. 32, § 4(1)(p))

Unpaid Leave

Early Retirement Incentive Program (ERIP)

—Eligibility

—Ineligibility

Group Classification for Retirement Purposes

- Reclassification from Group 1 to Group 2, Generally
- Reclassification Denied - Group 1 to Group 2
- Reclassification Denied - Group 1 to Group 4
- Reclassification Granted - Group 1 to Group 2

Post-Retirement Earnings Limitations

- Exceptions

Retirement Systems

- Membership

Local Retirement System

Massachusetts Teachers' Retirement System

- Rescission, Revocation or Termination of Membership

Termination Retirement Benefits

- Ineligibility

VETERANS' BENEFITS

Termination of Benefits

Overpayment of Benefits - "Refund Status"

WAGE AND HOUR LAWS

Civil Penalties

—Intentional Violations

—Non-intentional Violations

Failure to Pay Wages Timely

Overtime Wages

Payroll Records Maintenance and Production